

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KORDAYE CARTER,

Defendant.

**8:17CR221**

**ORDER**

The defendant, Kordaye Carter, has moved to continue the trial (filing no. 54). The motion to continue is unopposed by counsel for the Government. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Kordaye Carter's unopposed motion to continue trial (filing no. 54) is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on April 16, 2018, or as soon thereafter as the case may be called, for three days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representation of counsel, the court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date, and the anticipated trial, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(D) & (h)(7)(A), (B)(iv).

February 13, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge